

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOZETTE BROWN,

Plaintiff,

- v. -

RESERVE APARTMENTS, LTD., et al.,

Defendants.

Civil Case No.

JUDGE

**NOTICE OF REMOVAL BY  
DEFENDANTS**

Defendants Reserve Apartments, LTD and K&D Management, LLC (collectively, “Defendants”), pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, respectfully seek removal of this action and further state as follows:

1. Plaintiff Jozette Brown (“Plaintiff”) commenced a civil action against Defendants in the Cuyahoga County Court of Common Pleas, Case No. CV-21-945723, on March 30, 2021.

2. Defendants received service of process of a Summons and Complaint via USPS on April 5, 2021. A true and correct copy of the Summons and Complaint served upon Defendants is attached hereto as Exhibit 1. A copy of the Cuyahoga County Clerk of Court’s Docket showing service upon Defendants is attached as Exhibit 2.

3. Plaintiff’s Complaint sets forth five causes of action including: “Interference with Exercise of Rights in Violation of the Family Medical Leave Act” (Count II) and “Retaliation in Violation of the Family Medical Leave Act” (Count III), brought under the Family and Medical leave Act, 29 U.S.C. § 2601, *et seq.* (“FMLA”). See Exhibit 1 at ¶¶ 150-162.

4. This Court has original jurisdiction over Plaintiff’s federal FMLA claims in this civil action pursuant to 28 U.S.C. § 1331, and supplemental jurisdiction over Plaintiff’s remaining

state law claims, brought under Ohio Revised Code § 4112 (Count I, VI, and V), pursuant to 28 U.S.C. § 1367. Accordingly, Plaintiff's Complaint is properly removable to this Court pursuant to 28 U.S.C. § 1441(a).

5. Venue for this removed action is proper in the Eastern Division of the United States District Court for the Northern District of Ohio because the territorial jurisdiction of this Court includes the Cuyahoga County, Ohio, Court of Common Pleas in which Plaintiff filed her Complaint.

6. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) in that it is filed within thirty (30) days of Defendants' receipt of the Summons and Complaint on April 5, 2021.

7. Defendants are filing a Notice of Filing Notice of Removal in the Cuyahoga County Court of Common Pleas contemporaneously with the filing of this Notice of Removal, as required by 28 U.S.C. § 1446(d). A true and correct copy of Defendants' Notice of Filing Notice of Removal is attached hereto as Exhibit 3 (not including its exhibit).

8. Defendants will provide prompt written notice to Plaintiff that Defendants have filed this Notice of Removal in accordance with 28 U.S.C. § 1446(d).

9. All Defendants in this matter who have been properly joined and served as of the date of this filing join in and consent to removal of this action in accordance with 28 U.S.C. § 1446(b)(2)(A).

**WHEREFORE**, Defendants respectfully request that this Notice effect removal of the above-captioned case from the Cuyahoga County Court of Common Pleas to this Court.

Respectfully submitted,

s/ Patrick M. Watts

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 4, 2021 a copy of the foregoing document was filed with the Court's electronic filing system and will be served upon all parties via the Court's electronic filing system. In addition, I also hereby certify that I caused the foregoing document to be served via email on May 4, 2021 on the following:

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